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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

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JUN 18 1991

4WD-WPB-CT

CERTIFIED MAIL
RETURN RECEIPT REQUESTEDMr. Denver V. Harris
Highway 8 East
Aberdeen, Mississippi 39730RE: Request for Information Pursuant to Section 104 of CERCLA
regarding the Prairie Metals & Chemicals Site, Prairie,
Mississippi

Dear Mr. Harris:

The United States Environmental Protection Agency (hereinafter referred to as "EPA") has documented a release or threatened release of hazardous substances, pollutants, and contaminants into the environment at the Prairie Metals and Chemical Site (hereinafter referred to as "the Site") in Prairie, Mississippi. Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. § 9604, as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), P.L. 99-499, EPA conducted a removal action at the Site in order to abate such release or threatened release.

Based upon information EPA has received concerning the operations at the Site, EPA has reason to believe that you may have specific knowledge concerning the Site. You are hereby requested to respond to the Information Request set forth in Attachment A, enclosed herewith, pursuant to the authority of Section 104 of CERCLA.

Compliance with the Information Request set forth in Attachment A is mandatory. Failure to respond fully and truthfully to each and every Information Request within twenty-one (21) calendar days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 104 of CERCLA, as amended, and/or Section 3008 of the Resource Conservation and Recovery Act (RCRA). Each of these statutes permits EPA to seek the imposition of penalties of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

This Information Request is not subject to the approval requirement of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq.

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Your response to this Information Request should be mailed to:

Ms. Brooke Dickerson
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency
345 Courtland Street, N.E.
Atlanta, Georgia 30365

EPA regulations governing confidentiality of business information are set forth in Part 2, Subpart B of Title 40 of the Code of Federal Regulations (C.F.R.). A confidentiality claim may be asserted in accordance with 40 C.F.R. Section 2.203(b) for any portion of the information submitted which is entitled to confidential treatment. If EPA determines that the information so designated meets the criteria set forth in 40 C.F.R. Section 2.208, the information will be disclosed only to the extent and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B. EPA will construe the failure to furnish a confidentiality claim with respect to this letter as a waiver of that claim and information may be made available to the public by EPA without further notice to you.

If you have any questions regarding this Information Request, please contact Ms. Dickerson, Assistant Regional Counsel, at (404) 347-2641.

Due to the seriousness of this matter, and the attendant legal ramifications, the Agency strongly encourages you to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,
/s/ Don Guinyard

Donald J. Guinyard
Acting Director
Waste Management Division

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Attachment A

PRAIRIE METALS AND CHEMICALS SITE
INFORMATION REQUEST

Instructions

1. A separate response must be made to each of the Questions set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. In answering each Question, identify all documents and persons that contributed information relating to each Question.
4. If information not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA thereof as soon as possible.
5. For each document produced in response to this Information Request indicate on the document, or in some other reasonable matter the number of the Question to which it responds.
6. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 CFR 2.203(b) by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or proprietary" or "company confidential". Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of the procedures set forth in 40 CFR Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.
7. Where specific information has not been memorialized in any document, but is nonetheless responsive to a Question, you must respond to the Question with a written response.

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8. If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained.

9. Where a question does not apply to you as an owner, operator transporter, or generator, please indicate by responding "N/A".

Definitions

The following definitions shall apply to the following words as they appear in this Enclosure A;

1. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents.

2. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, unincorporated associated, partnership, corporation, trust or other entity.

3. The terms "the Site" or "the facility" shall mean and include the Prairie Metals and Chemical Company Site located on State Highway 382, in Prairie, Monroe County, Mississippi.

4. The term "hazardous substance" means: (a) any substance designated pursuant to Section 311(b)(2)(S) of the Federal Water Pollution Control Act; (b) any element, compound, mixture, solution or substance designated pursuant to Section 102 of this Act; (c) any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress); (d) any toxic pollutant listed under Section 307(a) of the Federal Water Pollution Control Act; (e) any hazardous air pollutant listed under Section 112 of the Clean Air Act; or (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to Section 7 of the Toxic Substances Control Act. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas, or such synthetic gas). "Hazardous substance" shall include any mixtures of such hazardous substances with any other substances, including petroleum products.

5. The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic

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mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring; except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of definition 4 and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas). "Pollutant or contaminant" shall include any mixtures of such pollutant or contaminants with any other substances including petroleum products.

6. The term "identify" means with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known business address and business telephone number, and present or last known job title, position or business.

7. The term "identify" means, with respect to a corporation, partnership, business trust or other associate or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

8. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient and the substance or the subject matter.

9. The term "release" includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

10. The terms "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by way of illustration and not by way of limitation) any invoice, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or

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disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); including: (a) every copy of each document which is not an exact duplicate of a document which is produced; (b) every copy which has any writing, figure or notation, annotation or the like of it; (c) drafts; (d) attachments to or enclosures with any document; and (e) every document referred to in any other document.

11. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside their scope.

12. The term "transaction" or "arrangement" means every separate agreement, act, deal, instance or occurrence.

13. The term "property interest" means any interest in property, including but not limited to, any ownership interest, any interest in the rental of property, any interest in a corporation that owns or rents or owned or rented property, and any interest as either the trustee or beneficiary of a trust that owns or rents, or owned or rented property.

14. The term "asset" shall include the following: real estate, buildings or other improvements to real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, accounts receivable, interest in insurance policies, interests in partnerships, corporations and unincorporated companies, securities, patents, stocks, bonds, and other tangible as well as intangible property.

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INFORMATION REQUESTS

1. Identify the person(s) answering these requests on behalf of Respondent.
2. For each and every Request below, identify all persons consulted in the preparation of the answer.
3. For each and every Request below, identify all documents consulted, examined, or referred to in the preparation of the answer and provide true and accurate copies of all such documents.
4. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Request contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
5. State your current address, occupation, marital status, and place of employment.
6. Regarding Prairie Metals and Chemical Co., Inc. (PMCC):
 - a. While you were employed by PMCC, what percentage of your time was spent in activities involving PMCC?
 - b. What offices did you hold in PMCC throughout the period of operations?
 - c. Please describe your specific role in directing the day-to-day manufacturing process.
 - d. Please describe your specific role in directing the day-to-day disposal or storage of wastes from the manufacturing process?
 - e. During the time you were employed by PMCC, what percentage of your income was derived from your position described in question 6(b)?
 - f. What percentage of stock did you own in PMCC? If your percentage changed throughout the years of operation of PMCC, describe the percentage of stock owned during each period and the length and dates of each period of stock ownership.
 - g. During the time you owned PMCC stock, what percentage of your income was derived from ownership of PMCC stock?
 - h. Name all other officers, directors and shareholders of PMCC throughout the period of operations of PMCC; identify the offices held by, and duties of, each officer and the dates such office was held by each.

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- i. What percentage of directors meetings, shareholders meetings or other executive meetings did you attend?
- j. Did you represent PMCC in other capacities besides officer or employee (i.e., attorney, broker, etc.)?
- k. What was the scope of your duties at PMCC? Did your duties include responsibility for knowledge of, understanding of and compliance with government regulations, in general? If not, who held these responsibilities?
- l. Did your duties include responsibility and/or authority for knowledge of PMCC activities involving health and/or environmental issues? If not, who held these responsibilities?
- m. How often did you talk to other officers or employees with responsibilities for matters described in responses 6(k) and 6(l)?
- o. Did you report to anyone with responsibility for matters described in responses 6(k) and 6(l)?
- p. Did you ever file reports or other memoranda concerning compliance with environmental regulations on behalf of your company? If the answer is yes, to whom did you submit such reports or memoranda?
- q. Did you ever prepare or help anyone else prepare reports or other memoranda concerning environmental regulations or health dangers? If the answer is yes, to whom did you submit such reports or other memoranda?
- r. Did you ever discuss compliance with environmental regulations and/or dangers to health at the Site with anyone? If so, with whom did you have such discussions and what did they tell you? Did you respond? How did you respond?
- s. Did you ever gain knowledge of government reports, citations, investigations or complaints by individuals alleging health and/or environmental problems at the Site? If so, identify the specific sources of such knowledge. What was your response?
7. Describe the role that Vicksburg Chemical or officials of Vicksburg Chemical played in the day-to-day operational activities of PMCC. Name each person whom you dealt with at Vicksburg Chemical. For each person named, describe the dealings that you had with the person and the roles, duties and/or responsibilities held by that person as they relate to PMCC. Please identify where each person can currently be reached (i.e., address and phone #).

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8. Who negotiated the lease for the Site on behalf of PMCC? How and why was that property chosen as a location for PMCC's operations?
9. Please describe your specific role in connection with the wastewater runoff problem that occurred at the Site during 1973-1974. Please include a description of the solution to said problem, and your participation in designing the solution.
10. Please describe your specific role in connection with the discharge of wastes into Hang Kettle Creek in 1975 and in connection with the resulting Order issued by the State of Mississippi Air and Water Pollution commission in January, 1976.
11. Please describe the scope of your supervision over or other contact with Continental Engineering Service, who was hired by PMCC to respond to the Order referenced above.
12. Provide a copy of an audited set of all financial statements for the past five fiscal years, including but not limited to those filed with the Federal and State Internal Revenue Service and Securities and Exchange Commission. Included should be a statement of Respondent's financial position/ balance sheet, income statement, statement of changes in working capital and any other supplemental information.
13. In lieu of financial statements described in item #12, provide copies of your Federal Income Tax returns filed with the Internal Revenue Service for the past three years.
14. Identify all of your current assets (including real and personal property) and liabilities.
15. For each question contained herein, if information or documents responsive to this Information Request are not in your possession, custody or control, then identify the persons from whom such information or documents may be obtained.